



U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

March 1, 2020

**FILED BY ECF**

The Honorable Alison J. Nathan  
United States District Judge  
Southern District of New York  
United States Courthouse  
40 Foley Square, Courtroom 1306  
New York, New York 10007

**Re: *United States v. Ali Sadr Hashemi Nejad*, 18 Cr. 224 (AJN)**

Dear Judge Nathan:

The Government respectfully submits this letter in response to the Court's Order and the defendant's opposition to the Government's supplemental motions *in limine*. (Dkt. 250). The Government continues to move to preclude evidence, cross-examination, and argument regarding the four categories outlined in its motion (Dkt. 248 at 1), but further refines these categories as follows.

First, because the defendant has asserted that he will not offer any evidence or argument regarding the propriety of U.S. sanctions against Iran, the Government withdraws this motion.

Second, with respect to the effects of sanctions, the defendant certainly has the right to present a defense—but that defense must comport with the Federal Rules of Evidence. The defendant may offer evidence that U.S. banks terminated business relationships or rejected transactions where customers or transactions involved Iranian persons or entities. This fact is not in dispute. The defendant, however, should not be permitted to offer evidence, cross-examination, or argument regarding the concept of “de-risking” or “overcompliance” because the defense has not proffered any evidence that the defendant knew about these concepts during the Indictment period. The defendant should also be precluded from offering evidence, cross-examination, and argument that U.S. banks terminated business relationships in a *discriminatory or unfair manner*. The Government agrees that the emails proffered by the defendant would go to the defendant's state of mind—but not for the truth of the facts contained in those emails. (*See* Dkt. 250, Exs. A-C). These emails, however, do not indicate that the banks took action in a discriminatory manner.

With respect to the defendant's video exhibits and evidence regarding the intended purpose of U.S. foreign policy, the defense has not made clear how these videos bear on the defendant's state of mind with respect to the ITSR's prohibitions. That U.S. foreign policy supports Iranian

